

Advisory Meeting, North Dorset District Council – 9 March 2010 North Dorset Draft Core Strategy & Draft Development Management Policies

The purpose of the advisory visits is to consider what has been done so far in preparation of the Core Strategy or other development plan documents and to identify matters and questions that at this stage appear potentially problematic in terms of soundness. I have not sought to test material, confirm the adequacy of the CS or endorse any part of it as sound. These notes should not therefore be taken as pre-judging the outcome of the examination of the submitted CS in any way. Although much of the advice is of a general nature, it will not necessarily be applicable to all other local authority areas or DPDs.

Present:

Trevor Warrick (Planning Policy Manager, NDDC); Amanda Ford, Nicola Laszlo, Terry Sneller, Sarah Jennings, Ian Smith (Planning Policy Officers); Robert Firth (Senior Solicitor NDDC); Jill Kingaby (Planning Inspectorate)

Timetable for publication and Submission of Core Strategy & Development Management DPD (CS)

The Draft CS & DM DPD will be published for consultation on Monday 15 March 2010.

A final version, it is envisaged, will be published before Xmas 2010, with submission for examination in early 2011.

Adoption is anticipated in June 2011.

The requirement for a CS to last for 15 years from adoption (PPS12, 4.13) means that it would be advisable to consider planning to 2027 rather than 2026, in case there are any delays to the above programme.

The desirability of submitting a CS which very closely resembles or is identical to the publication version, and does not require subsequent changes, was discussed. If significant changes are made at a late stage, they have to be supported by evidence of public consultation and sustainability appraisal. Carrying out such exercises can delay progress towards adoption. The need for late changes may undermine the confidence of the Inspector that what was submitted was really considered to have been a sound plan. Changes needed to update references or correct typographical errors can be distinguished from significant changes which go to the soundness of the document. The former changes have been submitted in an annexe by some LPAs, and these are usually subsequently endorsed by the Inspector, as long as they are truly minor/ not affecting soundness.

Issues raised by the Council

1. Implications of PPS4

The Council explained that Draft PPS4 had been taken into account when the draft DPD had been prepared. PPS4 is now the extant Government Planning Policy Statement and the finalised CS should be written in accordance with it. PPS4 brings to the fore the issue of economic development, and replaces PPS6, plus parts of PPS7 and PPG13, but much of its content consolidates previous Government policy. The Council has

identified no substantial policy conflicts as yet; it recognises that policy references may need to be updated.

2. Uncertainty about future of RSS

The Council should proceed as though the RSS will continue, unless the Government formally withdraws it. Current political uncertainty should not be a reason to delay progress towards submission and adoption.

The Council has amassed a good technical evidence base comprising SHMA, SHLAA, affordable housing needs assessment, employment land requirements, hierarchy of settlements etc. It has consulted the public and stakeholders on its plans. Even if the RSS were removed, there would appear to be bottom-up justification for the policies. There is scant evidence that national planning policy would be substantially changed in the short term. In addition, the Council has not objected to the overall levels of growth which the emerging RSS with Sec of State's Proposed Changes expects from North Dorset. These factors suggest that the CS should be robust, even if the RSS were abolished.

It is, however, good practice to consider uncertainty, and pose the "what if?" question. It would be worth considering whether any policies are only included because of the RSS, and whether their later omission would significantly affect the overall vision, objectives and thrust of the CS.

3. How can DPD be reduced for submission?

The draft document extends to 300 pages. Notwithstanding the fact that it contains DM as well as CS policies, it would benefit from some careful editing to make it shorter.

The Council queried whether smaller font and less white space should be contemplated. I have no particular views on this except that the CS should be easy to read.

I agree that the measures suggested by the Council to reduce the description of the adopted planning process could be applied for the final version of the DPD. As the Draft CS describes the methodology clearly, I question whether time should be spent writing background papers on 'issues and challenges' etc. The examining Inspector could refer to the Draft CS if he/she was uncertain about, or needed more details on, the approach which had been followed.

My notes on reading the early sections of the Draft CS were as follows:
Chapter 1: Good introductory section with excellent Fig 1.1.1 demonstrating that the Council 'gets' the PPS12 approach to planning; good use of English. Focused spatial portrait, useful illustrations showing the key features in the District, settlements, adjoining/contextual areas, linkages.

Spatial portrait quite detailed – could abbreviate ensuring that each paragraph has a function either to inform a key issue, a spatial objective or Core Policy. Issues and challenges – section makes clear where the

'challenges' have come from. Evidence for them is summarised and cross-referenced. Useful for the examining Inspector, but could edit out much of the descriptive material and just focus on the ensuing issues and challenges in final version.

Chapter 2: Visions, then objectives

Could consider going direct to the 'Revised vision' cutting out most of the introduction, and reducing the 'local community' visions.

Objectives – 5 so succinct. Figure 2.2.1 clearly shows linkages to issues, challenges, vision etc, so perhaps some of the text could be cut.

Could cut detailed references to sustainability appraisal and option consideration from final version eg. Page 70, 74, 83, 96

Chapter 4: Delivery and Monitoring

Scope for reducing 4.2 and 4.3 (how policies link to objectives); could omit as the key question at this stage of the CS has to be, are the policies effective, rather than are they justified/ where do they come from?

On omitting the IDP, the Inspectorate's "Learning from Experience" para 27 should assist. *"The key infrastructure elements on which delivery of the IDP is dependent must be embedded in the CS itself."*

4. Draft DPD – is it spatial enough and is vision sufficiently focused?

Chapter 1 and first part of Chapter 2 are spatial in the sense that they go beyond simple land use matters; eg deal with transport policy matters, and 'social' issues in the rural areas. The DPD is forward looking eg. it addresses climate change issues.

The Council observed that other CSs had been more area-based. The CS for North Dorset needs to contain policies for its various different types of area (category B & C settlements, countryside) and it does this. In general, policy requirements are likely to differ between authorities and areas.

The difficulty of describing the 'Vision' so that it is not simply generic was discussed. In my view, this is a common difficulty. It is explained that the SCS and the LCPs have shaped the Vision, as they should, and that the Objectives provide a connecting link to the CS's policies. The Vision is an element in the process summarised in Fig 2.2.1 and I consider that its origin and use are clear.

5. Role of the DM Policies clear and delivery focused?

The Draft DPD contains 13 DM policies. I note that all are positively worded and closely related to Core Policies. The Inspectorate's "Learning from Experience" page 13 could assist with any refinement of these. It advises that there should only be a limited suite of such policies; they should not be negative but designed to assist with active development management; they should not merely repeat national or regional policy.

6. Core Policy 2 Need for more detailed FRA (Level 2 SFRA)

The Council explained that flooding is not a major issue in North Dorset, but parts of Blandford and Gillingham and villages are affected. 'Flood risk' would not be a show-stopper in Gillingham, but regeneration of town

centres would occur in areas at risk. Retail (less vulnerable use according to PPS25) would be affected in Blandford rather than housing.

This question relating to a Level 2 SFRA should be put to the Environment Agency, to ensure that it does not make a late 'objection' to the CS. The examining Inspector would need assurance that Core Policies 15 and 16 were capable of being delivered.

7. Core Policies 3 and 4 Applying RSS Development Policies B & C locally

There is little guidance in RSS on housing growth, other than in Policy HMA 7, which indicates that North Dorset should accommodate some 7,000 new homes over the plan period. Development Policies B (Market and Coastal Towns) and C (Small Towns and Villages) in the RSS provide criteria for identifying such settlements with implications for growth but do not name particular towns or villages. Local Authorities should undertake the task of designating settlements on the basis of evidence. The Council explained briefly that it has analysed the role and function of settlements, and provision of infrastructure, facilities and services in all of them. It has put forward a clear settlement hierarchy. The approach seems to be based on evidence and analysis and in line with the RSS.

Regarding the housing distribution as summarised in Table 2.4.1, I have no reason to conclude that the resulting 71/29% split is unjustified. The Draft CS indicates that the distribution is based on: the need to deliver thriving self-contained market towns, more sustainable communities in the rural areas, and avoiding the high level of 'oversupply' of rural housing that prevailed in the past.

The Initial SA report (Chapter 7) and the Draft CS (Policies 4 and 6) present optional distributions for homes and jobs, with some explanation in the former. Both documents are now out for consultation and the responses should be carefully considered if there are strong representations favouring alternatives.

Providing the distribution is evidence-based and demonstrably the most reasonable alternative for the District, the Inspector should then find it to be justified.

8. Core Policy 6 Job Provision

Within the Draft CS, paras 2.4.34-36 explain that the RSS makes allowance for only about 3,400 new jobs in the rural part of the Bournemouth-Poole HMA which includes North Dorset, parts of East Dorset and Purbeck. New jobs in the rural area have been calculated on a residual basis, ie. 45,400 jobs in total for Bournemouth-Poole HMA minus 42,000 in the Bournemouth-Poole TTWA. Separate research by Dorset County Council indicates that there could be an additional 3,300 job growth 2006-2026 in North Dorset. Further work on the market town of Gillingham identifies potential for economic growth with new employment of some 2,500 helping to improve the town's self-containment.

Policies should be 'in general conformity' with RSS. The Council raised an objection regarding levels of job provision and related employment issues to the Secretary of State's Proposed Changes to the RSS in September 2008. Further sustainability appraisal is currently being undertaken on

the Draft RSS to ensure that reasonable alternatives to the Areas of Search which were added or amended at Proposed Changes stage have been fully tested. The outcome of this work could lead to further changes. There is a possibility that the Council's concerns about employment will be overcome through changes to the final version of the RSS.

As already mentioned, there is added uncertainty about the future of the RSS system and whether it will be in place after the forthcoming General Election. However, in current circumstances, I advise the Council to seek to comply with the most up to date version of the emerging RSS (currently Draft Revised Proposed Changes). If there is evidence of a lack of conformity, the first step should be to seek confirmation from the Regional Planning Body that the CS would not fail the general conformity test (s24(2) of the 2004 Act). If any policies and proposals are not in general conformity with the emerging RSS, there will need to be local justification (s24(1)(a) of the Act).

If the policy would promote greater self-containment at Gillingham, as well as Blandford, Shaftesbury and Sturminster Newton and elsewhere, it could be judged to be appropriate, and in tune with promoting more sustainable development; it would not conform with the RSS numbers, but would conform with the underlying principles. A significant issue may be the effect that an expanded Gillingham might have on potential for growth in Bournemouth and Poole or Salisbury.

The evidence should refer to the relationship between jobs growth and employment land requirements. It would be helpful to demonstrate how much of the intended development would be 'smart growth' and whether there is flexibility to adjust the supply of employment land over the CS period. If there are satisfactory answers to these questions there may be no real conflict with what the RSS is trying to achieve.

In brief, unless the RSS is amended in line with the Council's objections or is withdrawn by Government, there are 3 options for the Council:

- Persuade the regional planners of the strength of their case and get an "exception" letter from them.
- Persuade the CS examining Inspector of the rightness of their case, preferably in association with option 1 above.
- Do what the RSS says and go with the consequences.

9. Policies 6,7 and 16 – Growth at Gillingham

This raises similar issues to the previous matter, and the options are broadly the same. The Gillingham Study by consultants appears very thorough and may well help to secure support from the regional planning body and Inspector. More up-to-date and detailed evidence should carry more weight than earlier evidence, so long as its quality is not in doubt.

10. Core Policy 8: Housing types

The Council explained its intended approach to plan to meet current needs for a particular mix of dwellings, and to monitor changing needs and supply, with a view to adjusting future requirements to ensure that an appropriate mix of different sizes and types of housing would be secured.

I understand that a technical assessment by Fordham's provides evidence of current needs, indicating that the Council would be able to justify its approach to the examining Inspector. Periodic review should enable a responsive and flexible supply, as per PPS3.

11. Core Policy 11 Transport

The Draft CS, para 2.6.14, refers to a need for improved signing for freight traffic. On public transport, a review of operations by Dorset County Council is referenced in paras 2.6.20-22. Enhancement of Gillingham railway station is also mentioned and I was advised that this transport hub scheme is progressing (2.6.22). The Council advised that there are no major transport infrastructure needs which would constitute 'show stoppers'. My understanding is that the level of growth proposed for Gillingham in the draft CS can be accommodated with a package of measures to reduce the potential for additional trips on the A303, increase the self-containment of the town and make more effective use of the local network.

The Inspector would need to be satisfied that all the proposed measures are justified, ie. founded on evidence and the most appropriate alternatives to resolve underlying problems. On the critical matter of delivery, he/she will recognise that the County Council's LTP will focus on short term rather than longer term transport improvements. The District Council should ensure that the County Council and the Highways Agency are in principle supportive of what is being put forward. The likely sources of funding for any proposed projects and timing of implementation should be identified, to demonstrate 'effectiveness'.

12. Core Policy 13 – Green Infrastructure Strategy

The publication CS will need to include a positive policy on green infrastructure based on sound evidence, SA and consultation. However, it seems unlikely to me that this rural District with modest-sized market towns and some landscape which is AONB would have difficulty in making satisfactory provision.

13. Core Policy 14: Habitats Regulations Assessment (HRA)

Paras 2.7.5 to 7 of the draft CS address this. The key question is whether the growth proposals of the CS would pose a threat to the integrity of the international sites with their habitats and protected species? The CS rightly refers to internationally important sites beyond its boundaries. Paragraph 2.7.6 suggests that, providing certain measures are carried out when development occurs, an adverse effect would be unlikely. If mitigation measures are needed, to secure the integrity of the resource as well as meet the Regulations, the CS should reference these, so that the Inspector can be assured that the proposals in the CS can be delivered.

On the Appropriate Assessment process, a screening report has already been completed and a draft assessment is described in the Draft CS. The Council recognises that further work is needed given the potential effects of CS proposals on the 2 named SACs and sites beyond the District boundary, to ensure that it has fully satisfied the requirements for AA of the CS. Any issues relating to the Habitats Regulations should be

resolved prior to submission. A useful source of guidance on the topic is *Planning for the Protection of European Sites: Appropriate Assessment (DCLG August 2006)* <http://www.communities.gov.uk/documents/planningandbuilding/pdf/160442.pdf>

14. Core Policy 15: Blandford

Paragraph 2.8.10 asserts that Option 2 would have less impact on the landscape than Option 1. This would have to be justified, and the Council indicated that a study of landscape impact is intended.

15. Core Policy 17: Shaftesbury

I am advised that there is strong community support for a new 'community hub' east of the town centre. PPS4 should be considered, especially Policies EC3, 4 and 5 Planning for Centres which address need, location and impact, among other things. PPS4 and the Practice Guidance indicate to me that the precise justification for additional leisure and community facilities may sometimes be difficult to provide, but Councils should be pro-active and imaginative in planning town centres. The SA report indicates that there could be a potential conflict between expanding the FE College and providing more general community facilities on a principal site. A new community hub should not be simply a vague aspiration of a few, and should not have a harmful effect on the vitality and viability of neighbouring settlements. On the other hand, it could have benefits in terms of better and more accessible facilities and some regeneration. The results of public consultation may help to clarify the way ahead for this policy.

16. DM Policy 2: Parking Standards

Paras 3.2.15 onwards in the CS suggest that standards have been derived from working with the County Council and neighbouring LAs, using maximum standards as advised by PPG13. PPS3 and Manual for Streets are also mentioned. All this indicates that the standards are founded on a good evidence base and collaborative working.

17. DM Policy 6 Gypsies and Travellers

Circular 01/06: Planning for gypsy and traveller caravan sites
(February 2006) Paragraphs: 31 & 32:

"The core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in the relevant DPD. These criteria will also be used to meet unexpected demand.

These criteria based policies must be fair, reasonable, realistic and effective in delivering sites. The adequacy of any criteria will be subject to greater scrutiny under changes to the new planning system introduced by the Planning Act (2004). Planning policies that rule out, or place undue constraints on the development of gypsy and traveller sites should not be included in RSSs or DPDs..."

In view of the above, the CS should contain a criteria-based policy that satisfies the above. Care should be taken to ensure that it is not in practice restrictive of future allocations.

18.DM Policies 10-13: Countryside

The RSS is directing new development to the cities and towns, and from the housing numbers for North Dorset, that seems to indicate that there should be some restraint on new housing in rural areas. The Council aims to reduce the past 'oversupply' of new housing development in the smallest settlements and countryside. It also outlined its approach to rural exception sites which would enable wider provision for affordable housing in the rural areas where there is an identified need. The general approach appears to me to be in line with protecting the countryside and securing a more sustainable pattern of development in line with national policy.

19.Section 4 – IDP and Monitoring Framework

The examining Inspector will need to be satisfied that the CS can deliver – that stakeholders are engaged, that the infrastructure can be provided, that the proposed timing of development is reasonable, and that the funds are in place for the earliest projects. The Inspectorate's Learning from Experience document includes advice on good infrastructure planning. Section 4 in the Draft CS needs to be strengthened with this in mind.

I was advised that the Infrastructure Delivery Plan has looked at the needs and costs to deliver the CS, by settlement and site. It has identified the key projects for the towns, and considered the scope for local funding raising and implementation through community planning. This work should be completed ahead of the CS's finalisation, as expected by PPS12, para 4.10 (*The outcome of the infrastructure planning process should inform the core strategy and should be part of a robust evidence base*).

If developers are expected to fund projects, there must be evidence that this would be viable and that stakeholders are 'on side'. The need for evidence of viability to support affordable housing targets has already been emphasised in the Blyth Valley court judgments. The Council referred to its good record in negotiating with house builders to secure appropriate levels of affordable housing. Clearly, good negotiating practice and skills will be required to deliver the growth which the CS envisages.

On monitoring, the Council suggested this should be based on meeting the Objectives rather than Core Policies. Figure 4.1.1 of the Draft CS helpfully shows how these are linked. Whilst it could be useful to relate the findings from monitoring exercises to the Objectives, it seems to me that the measurable targets (eg about 1,200 homes in Shaftesbury 2006-2026) are more likely to be derived from the Core Policies. Therefore, performance against Core Policies and Objectives would be relevant.

Core Policy 5 on Managing Housing Delivery (Page 74) includes targets and triggers for intervention, as it should. There will be need for a housing trajectory to show how housing will be delivered over the plan period.

20.CIL

I advise against delaying the CS in order to complete a CIL charging schedule. From my reading of Inspector's reports, it would appear that

some LPAs have referenced CIL/ or the likelihood of it in the future, in their CSs and other DPDs. The following references are to pages and paragraphs in the examining Inspectors' reports: Southampton CS (Page 26, 4.73); Breckland CS (Page 35, 3.157); Bournemouth AH DPD (Page 7, 3.17); Hinckley and Bosworth CS (Page 41, 3.144).

21. Sustainability Appraisal of DM Policies

The development management policies have not been subjected to sustainability appraisal. The Council argued that they all relate to particular CS policies and are in large part concerned with mitigation. However, PPS12, para 5.2 does not exempt DM policies from SA. Section 39(2) of the 2004 Act says that SA is mandatory for all DPDs and SPDs. Paragraph 3.1.2 of the SA Guide also says this and section 3 explains how to do it:

<http://www.communities.gov.uk/publications/planningandbuilding/sustainabilityappraisal>

I note that Chapter 8 of the Initial SA Report refers to DM policies. This should provide a useful starting point for further work.

22. Assessment of the Right Options

I am unable to answer this question directly. There are key questions which the Council should address to satisfy itself that it has chosen the most appropriate way forward, given the reasonable alternatives:

- Have all the reasonable alternatives (and not extreme unrealistic ones) been considered?
- Is there a clear audit trail showing how and why the preferred strategy was arrived at (from SA, outcome of public consultation, as well as technical studies)?
- Where a balance had to be struck between alternatives, is it clear how and why the decisions were taken?

Information sources

View the online PAS Plan Making Manual:

<http://www.pas.gov.uk/pas/core/page.do?pageId=51391>

Planning Inspectorate publications: 'Learning from Experience' (Sept 2009); 'Examining Development Plan Documents: Procedural Guidance' and 'Examining Development Plan Documents: Soundness Guidance' (Aug 2009).

http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm

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